

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Sixth day of July Two Thousand Eighteen

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL MISCELLANEOUS PETITION No.9000 of 2018

IN CRL A.386/2018

R.MURUGESAN,

[PETITIONER/APPELLANT/ACCUSED]

Vs

THE STATE REP BY ITS,
THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI CORRUPTION,
NAMAKKAL. CR.NO.9/AC/2005.

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal APPEAL No.386 OF 2018 on the file of the High Court, the High Court will be pleased to suspend the sentence of imprisonment passed in Spl.C.C.No.2 of 2006 on the file of the of Special Judge Cum Chief Judicial Magistrate, Namakkal dated 26/06/2018 and enlarge him on bail pending disposal of C.A.No.386 of 2018 filed before this Hon'ble Court.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.A.No.386 of 2018 on the file of the High Court and upon hearing the arguments of M/S.JAYASRI BASKAR, Advocate for the petitioner and of MR. K.PRABAKAR, ADDL. PUBLIC PROSECUTOR (V & AC) on behalf of the Respondent the court made the following order:-

The petitioner/appellant is arrayed as sole accused in Spl.C.C.No.2 of 2006 on the file of the learned Special Judge cum Chief Judicial Magistrate, Namakkal. He has been convicted for the offence under Section 7 of Prevention of Corruption Act and sentenced to undergo three years Simple Imprisonment and to pay a fine of Rs.2,500/-, in default to undergo one month Simple Imprisonment; convicted under Section 13(1)(d) r/w 13(2) of Prevention of Corruption Act and sentenced to undergo three years Simple Imprisonment together with fine of Rs.2,500/-, in default to undergo one month Simple Imprisonment vide impugned judgment dated 26.06.2018. However, the sentences ordered to run concurrently and also granted set-off under section 428 Cr.P.C.. The petitioner prays for suspension of sentence.

2 The learned counsel for the petitioner submits that the fine amount has been paid and the trial Court has already suspended the sentence till 26.07.2018.

3 Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor.

4 On perusal of the impugned judgment and the grounds raised by the petitioner, this Court is inclined to order the petition and the substantive sentence of imprisonment alone is suspended and the petitioner is directed to be enlarged on bail on condition that the petitioner shall execute a bond for a sum of Rs.1,00,000/- [Rupees one lakh only] with two sureties each for a like sum to the satisfaction of the learned Special Judge cum Chief Judicial Magistrate, Namakkal and on further condition that the petitioner shall appear before the said Court on the first Monday of every English Calendar Month at 10.30 a.m. until further orders.

-sd/-
06/07/2018

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE SPECIAL JUDGE CUM
CHIEF JUDICIAL MAGISTRATE, NAMAKKAL.

2 THE PUBLIC PROSECUTOR
(V & AC), HIGH COURT, MADRAS.

3 THE STATE REP BY ITS,
THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI CORRUPTION,
NAMAKKAL.

+1 C.C. to M/S.K.V.SRIDHARAN Advocate on payment of necessary charges-Sr.12443

Order

in
CRL MP.9000/2018

in
CRL A.386/2018

Date :06/07/2018

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format
ths : 09.07.2018